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REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
MARCH 2, 2009
Council Chamber

1. CALL TO ORDER: Chair Lawrence called the meeting to order at 7:46 p.m.

2. ROLL CALL:

Members Present: Ms. Hockenberry
Mr. Lawrence
Mr. Meeks
Ms. Rodgers
Ms. Teates
Mr. Wodiska

Member Absent: Mr. Kearney

Administrative Staff Present: Ms. Cotellessa, General
Manager of Development
Services and Planning
Director
Ms. Debra Gee,
Planning Specialist
Ms. Perry, Senior
Planner

Chair Lawrence advised the commissioners Mr. Kearney had called him prior to the meeting advising him he was ill and would not be attending.

3. ADOPTION OF AGENDA:

MOTION: Ms. Rodgers moved, and Ms. Teates seconded, to adopt the agenda as presented.

Upon voice vote, the motion passed unanimously.

4. PLANNING COMMISSION REPORTS:

Chair Lawrence informed the audience the Planning Commission held their first retreat session last Saturday. Many ideas were shared and good ideas brought forth. He declared it a success and thought it should be done more often.

Ms. Hockenberry agreed and thanked staff for all the work involved and how smoothly everything went.

Ms. Rodgers reported she attended the ZOAC meeting where they went over Module One in great detail and identified a lot of policy issues that would have to be addressed and changes in the text due to technical corrections or typos. Nothing had been changed in the first module yet and staff was going to do more work on it.

Ms. Rodgers further reported they were meeting every week between now and June the 10th, with the next meeting occurring March 11th. They'll be going over the same module and later in April they'll be getting the second module.

Ms. Hockenberry reported that the Arts and Cultural Task Force had met twice so far, with Nikki Henderson as chair and Cindy Mester as staff advisor. Everyone was doing research on different jurisdictions and what they were doing. There was a lot of work going on, not only in Virginia but in Maryland and North Carolina. Barb Cram had taken control of gathering an extensive list of events occurring in Falls Church.

5. RECEIPT OF PETITIONS: None.

6. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Cotellessa reported that items which would be brought up in the next meeting included a worksession on the 2009 work program to lay out all of the meetings for the year and some of the items discussed at the mini retreat Saturday would be brought forward at the work program. One of the items which she would talk about later was a brief review of ethics regulations with respect to doing Planning Commission hearings, if one of the commissioners had a tangential personal interest in, what the best way to approach that would be. The APA bylaw section was appended to the Rules and Procedures and several other items mentioned at the retreat could be items Mike Chandler might come in to talk to the commissioners about as well. Ms. Cotellessa noted at the next meeting there will be a worksession item trying to put together a short list of issues that Mr. Chandler might talk to them about.

Ms. Cotellessa passed out to the commissioners a copy of the Economic Development study showing the mixed use development fiscal impact comparisons regarding three of the City's developments, the Byron, Pearson Square, and the Spectrum. Assumptions had been very conservative in nature and based on some of the figures, they seemed to be fairly well outperforming the minimums expected from new development. Taken out of the numbers was vacant space. The study hadn't accounted for what will happen when that comes in, so the numbers should be better in the long run.

What Ms. Cotellessa found most interesting, besides the fact that the numbers seemed to be supportable and conservative, was the number of school children coming from the developments. They were looking at about a .15 ratio for the Byron, Pearson Square and Spectrum, assuming that was a fairly rational number; whether it's the City's excellent schools or the times, a much higher ratio of students were coming out of the apartments and condominiums. Pearson Square was very telling: The ratio was about .22 instead of the .15. That will be followed as the Spectrum and the others fill. This was currently being discussed at the City Council worksession.

Ms. Cotellessa advised the Commission a project was underway to link some of the development approvals for special exceptions, rezonings and variances to the actual address where the development has taken place in the GIS system. The eventual goal is to be able to click on an

113 address and bring up what development was approved, when, what the
114 conditions are, and photos of the site. They're going to do their best
115 to capture all old approvals and pull them into a data base. This
116 would be useful to know the history of a site.

117
118 Another change resulting from the retreat will be the recording
119 secretary will have an electric timer which will ring after three
120 minutes and cards would be held up to signal to the Chair when a
121 speaker had a minute left to go so the Chair would be able to let the
122 speaker know their time was winding down. Motions would be taken down
123 right away and if there was a need to read back the motion, the
124 recording secretary would have the same shell as the commissioners to
125 read back the motion.

126
127 Chair Lawrence commented since many of those things were just discussed
128 last week at the retreat, it was wonderful they were already happening.

129
130 Ms. Hockenberry wished to advise the commissioners the Spectrum had
131 received a signed letter of intent for a brew pub called Mad Fox out of
132 Middleburg, Virginia.

133
134
135 7. OLD BUSINESS: None.

136
137 8. NEW BUSINESS:

138
139 Application 20090050, by Ravi Garg, owner, for renewal of a Special Use
140 Permit U1466 for a Major Home Occupation (accounting office), in
141 accordance with Section 38-16(c) (10) on premises known as 1000 South
142 Washington Street, Lot 502, Section 5 of Greenway Downs of the Falls
143 Church Real Property Identification Map, zoned R-1B, Medium Density
144 Residential.

145
146 Ms. Debra Gee presented the staff report.

147
148 The item on the agenda was a renewal of the special use permit. The
149 City Code permits two types of special use permits for home occupations:
150 A minor home occupation means that the business-owner conducts his
151 business from his home but does not traditionally have clients come to
152 the home; A major home occupation, there are anticipated clients that
153 come to the home.

154
155 Mr. Garg, the applicant, was proposing to renew his special use permit
156 which he has had with the City for over 16 years at his home at 1000
157 South Washington Street. Over the years Mr. Garg has continued to
158 apply for renewals which have been granted and there have never been
159 any written complaints about conducting business at that location.

160
161 In the staff report Miss Gee noted previously Mr. Garg voluntarily
162 agreed to certain conditions on his business, about the times of
163 business he would operate and the number of clients he would see on a
164 daily basis. Because he's on a major thorough-fare, it's difficult for
165 cars to park in the driveway and get out safely. It is a short
166 driveway and cars have to back out onto South Washington Street.
167 However Mr. Garg is located in the middle of the block and it's a short,
168 walkable distance from the two public streets nearby. Miss Gee had

169 anticipated Mr. Garg's presence this evening, however he did not appear.
170 She advised the commissioners that the Board of Zoning Appeals meeting
171 had been advertised for the 14th of March and the staff's
172 recommendation was the Planning Commission recommend to the Board of
173 Zoning Appeals that the special use permit be renewed for an indefinite
174 period of time.

175
176 Mr. Wodiska wanted to know more about the indefinite renewal period of
177 the application and what were the benefits for the City in doing that,
178 and if there was precedent for doing that sort of thing with other
179 locations.

180
181 Ms. Gee replied there has been precedent for indefinite renewals.
182 Having an indefinite renewal didn't require Mr. Garg to come back after
183 every 5 year period; however if the City received any complaints about
184 the operation of the business or concerns expressed that he wasn't
185 abiding by his voluntary concessions, there would be an opportunity to
186 review the application again and perhaps suspend the special use permit.

187
188 Mr. Wodiska asked if the check and balance regarding that was entirely
189 dependent on written complaints from neighbors.

190 Ms. Gee answered they didn't necessarily need to be written. They
191 could be e-mail or telephone complaints which would be investigated by
192 the Zoning Administrator's Office.

193
194 Mr. Wodiska asked what the usual time period for renewal was. Ms. Gee
195 informed the commissioners she had personally sat in Planning
196 Commission meetings where the recommendation had been for indefinite
197 periods and usually it's not after an exhaustive period of time.
198 Sometimes they're renewed indefinitely at 7 years and sometimes at 10
199 years.

200
201 Mr. Wodiska inquired if that was at the request of the applicant as
202 opposed to something triggered by the City. Ms. Gee explained in this
203 particular case Mr. Garg did ask for an indefinite renewal and the City
204 supports that given there have been no complaints.

205
206 **MOTION:** Mr. Wodiska moved, and Ms. Teates seconded, that
207 the Planning Commission recommend that the Board of
208 Zoning Appeals approve Application 20090050 for the
209 subject property known as 1000 South Washington
210 Street with the following conditions:
211 1: That the hours of operation are from 9 a.m.
212 to 6 p.m. on Monday through Friday and from 9 a.m.
213 to 8 p.m. Monday through Saturday during tax season
214 defined as February 15th to April 15th;
215 2: That the maximum number of clients per day will
216 be four except during tax season when the maximum
217 number per day would be nine;
218 3: That the office be located on the main level of
219 the house;
220 4: That this special use permit be used for this
221 applicant only and not be transferred to another
222 person or property; and
223 5: That the application be approved indefinitely.
224

225 Upon roll call vote, the motion passed unanimously.

226
227
228 B: **Application 20090004, Subdivision, 411 East Jefferson.**

229
230 Ms. Elizabeth Perry presented the staff report.

231
232 Regarding Subdivision Application 20090004, the subject property
233 located at 411 East Jefferson Street, Ms. Perry reported the lot
234 contains approximately 20,000 square feet of land area and is developed
235 with a single family detached dwelling. The proposed subdivision as
236 indicated on plats contained in the staff report would subdivide the
237 parcel into two lots, one indicated as Parcel A which would have
238 approximately 17,000 square feet of land area and remain for single
239 family detached dwelling; and Parcel B with approximately 3,000 square
240 feet of land area proposed for eventual incorporation into the City's
241 abutting Crossman Park. Subject property is zoned R-1A, low density
242 residential. The Comprehensive Plan designates the area as low density
243 residential as well. Nearby properties are similarly zoned and
244 developed.

245
246 On October 27, 2008, City Council by resolution approved the purchase
247 of the property indicated as Parcel B on the plat in the staff report.
248 That purchase of land had been reviewed and recommended for approval by
249 the Planning Commission. Staff referred the application to the
250 Historical Commission for review of the subdivision name. The
251 Historical Commission reported there was no objection to the proposed
252 subdivision name of Ross E. and Sheila D. Johnson, trustees.

253
254 To date staff has received one letter from the public in support of the
255 application. It's also noted the residential lot, proposed Parcel A,
256 would not contain enough land area to be resubdivided in the future for
257 another residential lot.

258
259 Staff recommendation had changed slightly since the staff report was
260 issued. Initial staff review indicated the signatures as shown on the
261 plats do meet Code requirements; however staff would like additional
262 time for the city attorney to make that verification.

263
264 Accordingly, the staff recommendation is as follows: Planning
265 Commission give preliminary and final approval of Subdivision
266 Application 20090004 for 411 East Jefferson Street, subject to staff
267 administrative review and confirmation that all legally required
268 signatures have been obtained and such plat shall be brought to the
269 chair of the Planning Commission for signature.

270
271 Ms. Rodgers inquired if this was something that happened because the
272 land owner decided they wanted to sell a piece of land or the City
273 approached the landowner.

274
275 Ms. Perry said it happens both ways. She noted Mr. Danny Schlitt from
276 Parks and Rec was present to answer any further questions regarding
277 that process.

278
279 Mr. Schlitt said Ms. Perry was correct that it has happened both ways.
280 One had been done at 416 East Jefferson a few years ago, and that was a

281 piece of property that came up for sale. The City approached the seller
282 at that time as part of the open space acquisition. This time the
283 property owner, Mrs. Johnson, realized they were doing that and also
284 realized it would be a nice addition to the park as well, and asked if
285 they were interested and the City took it from there.

286
287 Ms. Rodgers also remembered the discussion at the Parks and Rec meeting.
288 She pointed out one of the reasons they did that was they were always
289 looking for more open space land to add to the parks.

290
291 Chair Lawrence inquired if they had all the parcels they wanted there.
292 Mr. Schlitt advised it was a perfect fit at this point. At some point
293 in time there was a conversation at one of the Recreation Parks
294 Advisory Boards that some of the parks were put together this way.
295 There were no other pieces currently in consideration.

296
297 Mr. Meeks noted there has always been a question about the bamboo and
298 that approximately 90 percent would be taken out but not all of it and
299 what would happen then. Mr. Schlitt explained it was the City's
300 intention as soon as the two simultaneous pieces happen, the actual
301 closing and purchase of the land, the process here was to put a new
302 fence line in and remove the bamboo which would then be on City
303 property, as happened in the other piece of land on East Jefferson, and
304 that would be turned into open parkland.

305
306 Ms. Teates mentioned there was a habitat restoration team that works
307 with Jeremy Edwards, the urban forester, and there is a plan to replant
308 the area with native plants. They've been working at Crossman Park for
309 over two years removing non-native species and putting native species
310 back in but everything depended on budget.

311
312 Chair Lawrence asked if the City asked property owners for permission
313 to remove their bamboo. Mr. Schlitt didn't know if that had been
314 discussed but it was something that could be further looked into.

315
316 **MOTION:** Mr. Meeks moved, and Ms. Teates seconded, that the
317 Planning Commission give preliminary and final
318 approval of Subdivision Application No. 20090004
319 for 411 East Jefferson Street, subject to staff
320 administrative review and confirmation that all
321 legally required signatures have been obtained and
322 that such plats shall be brought to the Chair of
323 the Planning Commission for signature.

324
325 Upon roll call vote, the motion passed unanimously.

326
327 9. **OTHER BUSINESS:** None.

328
329 10. **APPROVAL OF THE MINUTES:**

330
331 Chair Lawrence recalled at the last meeting he had asked the
332 Transwestern Powerpoint be put into the minutes. Ms. Cotellessa
333 inquired whether that meant to append them to the minutes. Chair
334 Lawrence said as long as it's with the record for that day, they didn't
335 have to be physically attached to the minutes. Ms. Cotellessa noted it
336 was in the file for that meeting.

MINUTES OF THE 2 MARCH 2009 MEETING OF THE PLANNING COMMISSION
UNAPPROVED DRAFT

337
338 **MOTION:** Ms. Teates moved, and Ms. Hockenberry seconded, to
339 approve the minutes as amended.
340

341 Upon voice vote, the motion passed unanimously.
342

343 11. ADJOURNMENT:
344

345 Ms. Rodgers moved, and Ms. Teates seconded, to adjourn the meeting at
346 8:16 p.m.
347

348 Respectfully Submitted, Noted and Approved:
349
350

351
352 Ann Hieber Suzanne Cotellessa, AICP
353 Recording Secretary Planning Director
354
355

356 The City of Falls Church is committed to the letter and to the spirit
357 of the Americans with Disabilities Act. This document will be made
358 available in an alternate format upon request. Call 703.248.5040 (TTY
359 711).
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